

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHANDRA KISHOR,

Petitioner,

No. CIV S-03-1219 LKK CMK

vs.

TOM L. CAREY,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 28, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Neither party has filed objections to the findings and recommendations. Instead, both parties have filed statements of non-opposition.<sup>1</sup>

<sup>1</sup> The plaintiff named his filing "Delete & Stay Unexhausted Claim & Amended Petition." (See Docket No. 23.) The text of this document describes plaintiff's non-opposition to the magistrate judge's findings and recommendations filed March 28, 2005.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and by  
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed March 28, 2005, are adopted in full;  
7 and  
8 2. Petitioner's application for a writ of habeas corpus is dismissed without  
9 prejudice.

10 DATED: September 16, 2005.

11 /s/Lawrence K. Karlton  
12 UNITED STATES DISTRICT JUDGE  
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